

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 733 OF 2003
IN
SUMMARY SUIT NO. 2130 OF 2003

Mrs. Mina Bhatiya Plffs.
VS.
Mr. Kanjibhai R. Chandan Defnds.

Mr. O.S. Kutty for the plaintiffs.

Mr. J.G. Shukla i/b. G.H. Shukla for the
defendants.

CORAM: S.U. KAMDAR, J.

DATE : 17TH AUGUST, 2005.

P.C. :.

1. The present suit is filed on a dishonoured cheque for sum of Rs.50,000/-. It is the case of the plaintiff that the said cheque was issued by the plaintiff for repayment of the friendly loan given. The defendant has filed their affidavit in reply inter-alia claiming the payments made of Rs.43,125/-. Obviously the payment of Rs.2625/- recorded at Item no.C to Item no.G of para-13 of

the reply is towards the interest claimed. However the defendant is misleading the court by indicating the same is on payment towards the principal amount. Similarly the receipt relied upon in respect of the two cash payments for sum of Rs.5,000/- and Rs.16,000/- is also ex-facie bogus and fabricated. However in spite of the same I give chance to the defendant to defend the suit.

2. I direct the defendant to deposit a sum of Rs.60,000/- within a period of four weeks from today failing which the plaintiff will be entitled to the entire decretal amount.

3. If the amount is paid as aforesaid, then suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned

:3:

Judge taking Commercial Causes.

sd/-
